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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 9

Application Number: 09/491,902  
Filing Date: January 27, 2000  
Appellant(s): BATES ET AL.

Cary Lee Bates et al.  
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on April 8, 2003.

(1) Real party interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

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The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because claims 10-11, 22-23 and 27 recite similar step for recognizing and auto dialing a phone number, while claims 1-6, 8-9, 13-16, 18-21, and 25-26, recite playing a voice message by starting with a telephone number (phone numbers) located in the voice message. Therefore the rejections of claims 10-11, 22-23 and 27 should stand and fall together while the rejections of claims 1-6, 8-9, 13-16, 18-21, and 25-26 stand and fall together.

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

5,504,805                      LEE                      4-1996

5,651,056                      ETING et al.                      7-1997

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 8-9, 13-16, 18-21 and 25-26 are rejected under 35 U.S.C. 102(b) by Lee. This rejection is set forth in prior Office Action, Paper No. 6.

Claims 10-11, 22-23 and 27 rejected under 35 U.S.C. 102(b) by Eting et al.. This rejection is set forth in prior Office Action, Paper No. 6.

**(11) Response to Argument**

As explained by the Applicant the claimed invention is directed to automatically identifying and playing telephone numbers left in a voice message as well as automatic dialing of the telephone number.

Applicant's assertion that Lee does not teach "the determination a playback start position... based upon detected spoken number is" traversed. Lee's art (similar to the applicant) is related to playing calling party's telephone number that is left in a voice mail to a user before playing the voice message. The examiner

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disagrees, and submits that Lee discloses identifying caller's telephone number, using voice (number) recognition/detection system, and where the detected number location is stored in a memory as a playback start position for playing to the called party, "prior/before to replaying the (rest) of the messages to the called party" (Col.2, lines 42-47). For example a first voice message is shown in figure 2 with its "playback start position" address 12-18 and at that address the telephone number detected in the voice message is located.

Lee explains that the message start position/address is the location where the phone numbers are stored for ex. Lee says "It is preferable to convey the phone number from memory 18 to the called party before replaying the message to the called party. This offers the advantage of allowing the

called party to see and/or hear the phone number before listening to the recorded message. After listening to the recorded message and verifying that the phone number the called party can automatically dial the phone number from memory 18 by enabling dialer 24". Col.2, lines 42-50.

Lee also explains during playback, the position of the telephone number is identified and judged to be the starting position by the system

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"The information in the message table provides microprocessor 28 with the start and end addresses of the verbal message and

phone number stored in recorder 12 and memory 18, respectively. After retrieving the information from the message table, the phone number or "no number" message stored in memory 18 is displayed and/or recited, before playing the voice message". Col.4, lines 62-67.

Lee also shows where more phone numbers are stored in the memory as shown in Fig.2. and a control pad, Fig.1, 34 for controlling (forwarding, rewinding or skipping etc) (claims 4, 5 and 13 ).

For claim 9 Lee's system is about recognizing/identifying telephone number.

Applicant also argued that Eting does not teach determining whether the numbers are telephone numbers or not. The examiner disagree.

To begin with the Eting's art is related to a spoken telephone recorder and recognizer for recognizing spoken telephone numbers during telephone conversation as well as from messages left by the calling party, for the purpose of playback and automatic dialing of said the telephone number.

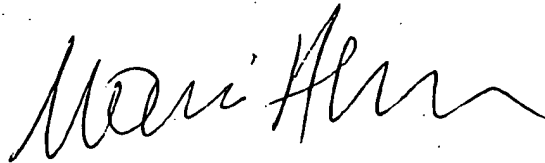
Eting clearly states that the invention comprises an accessory device where the accessory device includes "a spoken number recognizer

operative to recognize telephone number" (abstract), Eting also teaches where the device includes a spoken telephone number confirmation device "operative to confirm the recognized telephone number" (Col.3, lines 64-68), Eting further teaches once the telephone number is recognized and confirmed it could be automatically re-dialed. See the entire doc.

(12) conclusion

For the above reasons the rejections should be sustained.

Respectfully submitted,



DANIEL ABEBE  
PRIMARY EXAMINER

Daniel Abebe  
Examiner, Art Unit 2655  
November 18, 2003

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For the above reasons the rejections should be sustained.

Respectfully submitted,



Daniel Abebe  
Examiner, Art Unit 2655  
November 18, 2005



Appeal Conferees: Richmond Dorvil



Wayne Young